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## CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:  
Date: July 9 2004 Name: John C. Freeman Signature:

BRINKS  
HOFER  
GILSON  
& LIONE

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Christopher Jude Amies et al.

Appln. No.: 10/808,215

Filed: March 24, 2004

For: ACTIVE THERAPY REDEFINITION

Attorney Docket No: 2002P12618US01

Examiner: Unassigned

Art Unit: 2882

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

## TRANSMITTAL

Sir:

## Attached is/are:

Transmittal Letter (in duplicate); Information Disclosure Statement; PTO 1449.  
 Return Receipt Postcard

## Fee calculation:

No additional fee is required.  
 Small Entity.  
 An extension fee in an amount of \$ \_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).  
 A petition or processing fee in an amount of \$ \_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_\_\_).  
 An additional filing fee has been calculated as shown below:

	Claims Remaining After Amendment	Minus	Highest No. Previously Paid For	Present Extra	Small Entity		Not a Small Entity		
					Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$9=			x \$18=	
Indep.		Minus			x 43=			x \$86=	
First Presentation of Multiple Dep. Claim					+\$145=			+\$290=	
					Total	\$	Total	\$	

## Fee payment:

A check in the amount of \$ \_\_\_\_\_ is enclosed.  
 Please charge Deposit Account No. 23-1925 in the amount of \$ \_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.  
 Payment by credit card in the amount of \$ \_\_\_\_\_ (Form PTO-2038 is attached).  
 The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

July 9, 2004  
Date

Respectfully submitted,

John C. Freeman (Reg. No.34,483)

O I P E  
JUL 12 2004  
PATENT & TRADEMARK OFFICE  
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on July 9, 2004.

Name of Registered Representative:

John C. Freeman, Reg. No. 34,483

July 9, 2004

Date of Signature

PATENT  
CASE NO. 2002P12618US01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application: )  
                          )  
Christopher Jude Amies et al. )  
                          )  
                          ) Group Art Unit: 2882  
U.S. Application Serial )  
No.: 10/808,215         )  
                          ) Examiner: unassigned  
Filed: March 24, 2004 )  
                          )  
For: ACTIVE THERAPY REDEFINITION )

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In compliance with Applicants' duty of disclosure under 37 C.F.R. § 1.56 and in conformance with 37 C.F.R. §§ 1.97-1.98, Applicants hereby submit the following references for

consideration by the Examiner. Copies of the cited U.S. Patents and U.S. Patent Publication are not being supplied pursuant to the waiver of the rules presented in the U.S. Patent and Trademark Office Official Gazette Notice dated August 5, 2003. Furthermore, enclosed is a completed copy of Form PTO-1449.

I. **DISCLOSURE**

A. **U.S. Patents**

<b><u>Patent No.</u></b>	<b><u>Inventor</u></b>	<b><u>Issue Date</u></b>
5,207,223	Adler	05/04/93
5,317,616	Swerdloff et al.	05/31/94
5,394,452	Swerdloff et al.	02/28/95
5,427,097	Depp	06/27/95
5,430,308	Feichtner et al.	07/04/95
5,442,675	Swerdloff et al.	08/15/95
5,528,650	Swerdloff et al.	06/18/96
5,548,627	Swerdloff et al.	08/20/96
5,625,663	Swerdloff et al.	04/29/97
5,668,371	Deasy et al.	09/16/97
5,673,300	Reckwerdt et al.	09/30/97
6,144,875	Schweikard et al.	11/07/00

<u>Patent No.</u>	<u>Inventor</u>	<u>Issue Date</u>
6,345,114 B1	Mackie et al.	02/05/02
6,385,286 B1	Fitchard et al.	05/07/02
6,438,202 B1	Olivera et al.	08/20/02
6,501,981 B1	Schweikard et al.	12/31/02
6,560,311 B1	Shepard et al.	05/06/03
6,618,467 B1	Ruchala et al.	09/09/03
6,636,622 B2	Mackie et al.	10/21/03
6,661,870 B2	Kapatoes et al.	12/09/03

**B. U.S. Patent Application Publications**

<u>Publication No.</u>	<u>Inventor</u>	<u>Publication Date</u>
US 2002/0080912 A1	Mackie et al.	06/27/02
US 2002/0150207 A1	Kapatoes et al.	10/17/02

**II. CONCLUSION**

It is believed that none of these references, alone or in combination, disclose or suggest the invention claimed. Note that the submission of the references should not be construed as an admission that any of the references qualify as prior art. It is Applicants' desire, however, to have these references available in the record for both the Examiner and the public to see. Applicants therefore request that the Examiner review the entire disclosure of each reference and make the

above-listed references of record.

Respectfully submitted,



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(312) 321-4200

Dated: July 9, 2004



FORM PTO-1449  LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT  (use several sheets if necessary)	SERIAL NO. 10/808,215	CASE NO. 2002P12618US01
	FILING DATE March 24, 2004	GROUP ART UNIT 2882
	APPLICANT(S): Christopher Jude Amies et al.	

**REFERENCE DESIGNATION                    U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER Number-Kind Code (if known)	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
A1	5,207,223	05/04/93	Adler		
A2	5,317,616	05/31/94	Swerdloff et al.		
A3	5,394,452	02/28/95	Swerdloff et al.		
A4	5,427,097	06/27/95	Depp		
A5	5,430,308	07/04/95	Feichtner et al.		
A6	5,442,675	08/15/95	Swerdloff et al.		
A7	5,528,650	06/18/96	Swerdloff et al.		
A8	5,548,627	08/20/96	Swerdloff et al.		
A9	5,625,663	04/29/97	Swerdloff et al.		
A10	5,668,371	09/16/97	Deasy et al.		
A11	5,673,300	09/30/97	Reckwerdt et al.		
A12	6,144,875	11/07/00	Schweikard et al.		
A13	6,345,114 B1	02/05/02	Mackie et al.		
A14	6,385,286 B1	05/07/02	Fitchard et al.		
A15	6,438,202 B1	08/20/02	Olivera et al.		
A16	6,501,981 B1	12/31/02	Schweikard et al.		
A17	6,560,311 B1	05/06/03	Shepard et al.		
A18	6,618,467 B1	09/09/03	Ruchala et al.		
A19	6,636,622 B2	10/21/03	Mackie et al.		
A20	6,661,870 B2	12/09/03	Kapatoes et al.		
A21	US 2002/0080912 A1	06/27/02	Mackie et al.		
A22	US 2002/0150207 A1	10/17/02	Kapatoes et al.		

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609;  
Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.